

**REMARKS**

Claims 1-17 and 30 are pending in this application. Dependent claims 5, 8, 9 and 12-14 are withdrawn from consideration. Rejoinder of the withdrawn claims is respectfully requested upon allowance of claim 1. By this Amendment, independent claims 1, 2 and 4 are amended for clarity only. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. 35 U.S.C. §112, First Paragraph, Rejection**

The Office Action rejects claims 1-4, 6, 7, 10, 11, 15-17 and 30 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office Action alleges that the "normal" braking operation feature recited in independent claims 1, 2 and 4 is not supported by the original disclosure. The rejection is respectfully traversed.

Claims 1, 2 and 4 are amended to delete the word "normal". The braking operation of amended claims 1, 2 and 4 is a braking operation that controls the pressure of the brake cylinder with an operation of the manually operable brake operating member (e.g., brake pedal, see paragraph [0102]), in which the brake cylinder pressure changes with a change of the operating amount of the brake operating member. This operation is supported in the specification, for example, in paragraphs [0130] to [0133] and in Fig. 9. Specifically, steps S3, S4, S6 and S7 of the flow chart in Fig. 9 illustrate the operation to control the pressure

control valve 86 on the basis of the operating stroke or force of the brake operating member 24 for regulating the brake cylinder pressure in the braking operation. The pressure of the working fluid in the brake cylinder changes with a change of the operating amount of the manually operable brake operating member, as recited in claims 1, 2 and 4 (see paragraphs [0130] to [0133]).

Thus, the braking operation feature recited in independent claims 1, 2 and 4 is supported by the original disclosure. Therefore, it is respectfully requested that the rejection be withdrawn.

## II. 35 U.S.C. §102(e) Rejection

The Office Action rejects claims 1, 10, 11, 15, 16 and 30 under 35 U.S.C. §102(e) over Ohnuma, U.S. Patent No. 6,322,168. This rejection is respectfully traversed.

Contrary to the Office Action's assertion, Ohnuma fails to disclose or suggest the claimed flow-rate changing device that changes a relationship between a first rate of flow of the pressurized working fluid from the master cylinder into the brake cylinder, and a second rate of flow of the pressurized working fluid into the master cylinder, as recited in claim 1.

The Office Action continues to allege that at least one of proportioning valve 34 and regulator switching solenoid (STR) 26 of Ohnuma corresponds to the claimed flow-rate changing device. With respect to the proportioning valve 34, the Office Action relies on col. 5, lines 53-65 of Ohnuma. However, this section merely discloses that the proportioning valve 34 supplies the master cylinder pressure  $P_{M/C}$  to a first fluid pressure passage 36 and a second fluid pressure passage 38 without change in a range where the master cylinder pressure  $P_{M/C}$  is less than a predetermined value. The proportioning valve 34 also supplies the master cylinder pressure  $P_{M/C}$  to the first fluid pressure passage 36 without change and supplies to the second fluid pressure passage 38 a fluid pressure obtained by decreasing the master cylinder pressure  $P_{M/C}$  by a predetermined ratio in a range where the master cylinder

pressure  $P_{MC}$  is less than a predetermined value (col. 5, lines 53-65). The proportioning valve 34 does not change a rate of the pressurized working fluid flow from the master cylinder 32 or into the master cylinder 32. Thus, the proportioning valve 34 of Ohnuma does not change a relationship between a first rate of flow of the pressurized working fluid from the master cylinder into the brake cylinder, and a second rate of flow of the pressurized working fluid into the master cylinder, as recited in claim 1.

With respect to the switching solenoid (STR) 26, the Office Action asserts that (1) the switching solenoid (STR) 26 operates to change the flow in response to the brake pedal 30 during an emergency braking; and (2) that the emergency braking operation can be considered a "normal operation" (see pages 5 and 6 of Office Action).

Regarding (1), the STR 26 communicates with wheel brake cylinders 44 via third fluid pressure passage 42 to apply either a regulator pressure  $P_{RE}$  or an accumulator pressure  $P_{ACC}$  depending upon an operating state of the STR 26 controlled by ECU 10 (see col. 5, lines 33-34; col. 6, lines 8-12; and col. 13, line 36-37). The regulator pressure  $P_{RE}$  is the pressure within a pressure chamber in regulator 24 which corresponds to operating force  $F_P$  of brake pedal 30 and which is applied to the master cylinder 32 (see col. 5, lines 21-34). In a braking operation that does not include anti-lock braking operation (ABS control), various solenoid valves including the STR 26 are placed in off states (see Fig. 1) so that fluid pressure corresponding to the brake operating force  $F_P$  is applied to the wheel brake cylinders 44 via the first and second fluid pressure passages 36, 38 (col. 8, lines 13-32). When ABS control is activated, the regulator pressure  $P_{RE}$  is applied to the upstream side of each of holding solenoid valves 50, 52, 68, 70 (col. 9, lines 9-17). In an emergency braking operation with a relatively large amount of operation of brake pedal 30 at a relatively high speed, the STR 26 is turned on by the ECU 10 to connect the third fluid pressure passage 42 to the high-pressure passage 22 so that the accumulator pressure  $P_{ACC}$  is introduced into the passage 42 and

applied to the wheel brake cylinders 44 (see col. 11, lines 23-31; col. 12, lines 29-38 and 61-66). However, contrary to the Office Action's assertion, nowhere does Ohnuma disclose or suggest that the STR 26 is arranged or able to change the relationship between the rate of fluid flow from the master cylinder 32 into the brake cylinder 44 and the rate of fluid flow into the master cylinder 32.

Regarding (2), whether the emergency braking operation of Ohnuma can be considered a "normal operation" is irrelevant in light of amended claim 1.

Thus, the switching solenoid (STR) 26 of Ohnuma does not change a relationship between a first rate of flow of the pressurized working fluid from the master cylinder into the brake cylinder, and a second rate of flow of the pressurized working fluid into the master cylinder, as recited in claim 1.

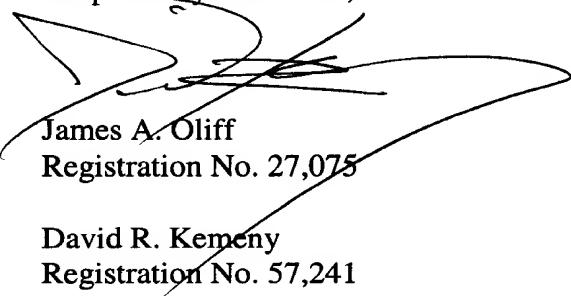
For the foregoing reasons, claim 1 is patentable over Ohnuma. Because claims 10, 11, 15, 16 and 30 incorporate the features of claim 1, these claims also are patentable over Ohnuma. Thus, it is respectfully requested that the rejection be withdrawn.

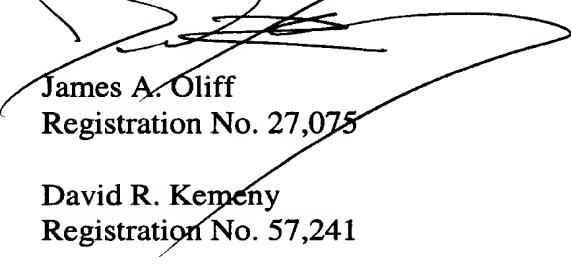
### III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
James A. Oliff  
Registration No. 27,075

  
David R. Kemeny  
Registration No. 57,241

JAO:DRK/kxs

Date: April 27, 2007

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461